

790-HMC-0981-36  
24 September 1981

To: Louis D. Jacobs  
Director Enforcement Division  
USEPA, Region VII  
324 East 11th Street  
Kansas City, Missouri 64106

Attention: Mr. David Doyle

Subject: Use of Unpermitted Facility

Enclosure: (1) Letter from California Department of Health  
Services to Broco, Inc.  
(2) Letter from USEPA, Region IX to Broco, Inc.

Dear David:

McDonnell Douglas Corporation (MDC) has attempted to locate a legal disposal or treatment facility to destroy its explosive waste. Broco, Inc. is the only firm we have located which may be legal.

MDC is required to use only those facilities that have interim status or a valid permit. Based on the two enclosed letters, Broco does not have a valid permit or interim status. Can MDC use this facility to treat its explosive waste?

If I may be of assistance, please contact me at 314-232-6616.

Yours truly,



Terry E. Wehling, Engineer  
Hazardous Material Control

TEW:cd

**MCDONNELL DOUGLAS**



  
R00144161  
RCRA RECORDS CENTER

ENC. 4



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

215 Fremont Street  
San Francisco, Ca. 94105

RECEIVED

APR 27 1981

MS 6.....

In Reply  
Refer To: E-5-2

APR 24 1981

Patricia A. Dresner  
Administrative Assistant, HMS  
BROCO Inc.  
2040 North Towne Avenue  
Pomona, CA 91767

Dear Ms. Dresner:

This letter is to confirm your April 16, 1981 telephone conversation with Mr. Jim Grove concerning BROCO Inc.'s proposed treatment of hazardous waste at your facility located in Fontana, California.

On January 20, 1981, BROCO, Inc. notified EPA as a treater and storer of hazardous wastes as required by §3010 of the Resources Conservation and Recovery Act (RCRA). At that time your company also submitted a Part A application as a treatment and storage facility pursuant to §3005 of RCRA and requested an interim status compliance letter (ISCL) which is required for facilities submitting applications after November 1, 1980. Your request for an ISCL is currently under review by this office.

In your conversation with Mr. Grove, you discussed BROCO Inc.'s intent to receive a shipment of explosive wastes for detonation and burning at your Fontana facility and requested EPA confirmation that to do so would not be a violation of EPA's RCRA regulations. As Mr. Grove stated, treatment of hazardous wastes, as defined by RCRA, at a facility which has not received interim status is technically a violation of §3005 of RCRA. However, due to the fact that EPA is currently reviewing your request for an ISCL and based on the condition, as represented by you, that your facility is in full compliance with all interim status standards applicable to your facility, as contained in 40 CFR Part 265, EPA will not take enforcement action against BROCO Inc. for the treatment of the hazardous wastes discussed.

If you have any further questions, please feel free to contact Mr. Jim Grove at (415) 556-7841 or Mr. David Schnapf at (415) 556-8000.

Sincerely yours,

*Kathleen G. Shimmin*

Kathleen G. Shimmin  
Chief, Water Branch  
Enforcement Division

## DEPARTMENT OF HEALTH SERVICES

714 744 P STREET  
SACRAMENTO, CA 95814  
(916) 323-6042



July 27, 1981

Patricia A. Dresner  
Administrative Assistant  
Broco, Inc.  
2040 North Towne Avenue  
Pomona, CA 91767

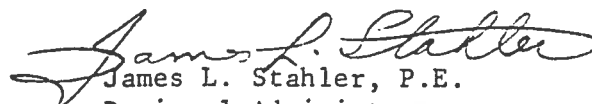
Dear Ms. Dresner:

In June, Mr. Gerald Brower of Broco, Inc. requested permission from the California State Department of Health Services, (DHS) to receive a shipment of explosive wastes for detonation at the corporation's facility at 2610 North Alder Street, Rialto, CA.

As we discussed, Broco, Inc. has not obtained a hazardous waste facility permit from the DHS and has not been granted interim status by the DHS. Therefore, the corporation technically cannot accept hazardous wastes for detonation at this time. However, we are currently reviewing documents which you submitted in support of your application for a grant of interim status from us. Furthermore, you have already obtained tacit approval from the U.S. Environmental Protection Agency to receive and detonate the wastes.

Consequently, we hereby declare that we will not take enforcement action against Broco, Inc. for detonating the explosive wastes on a one-time basis without a permit or a grant of interim status from us, provided that the detonation is conducted in accordance with all other applicable requirements of Chapter 6.5, Division 20, Health and Safety Code, and Chapter 30, Division 4, Title 22, California Administrative Code (copies enclosed).

Sincerely,

  
James L. Stahler, P.E.

Regional Administrator  
Hazardous Materials Management Section

Enclosures

cc: Paul Williams, Ph.D.  
✓ David Wong  
Eric B. Workman, Ph.D.



sent  
9/10